

The Utilitarian Approach

The greatest happiness of the greatest number is the foundation of morals and legislation.

JEREMY BENTHAM, *COLLECTED WORKS* (1843)

7.1. The Revolution in Ethics

The late-18th and 19th centuries brought an astonishing series of upheavals: The modern nation-state emerged from the French Revolution (1787–1799) and the wreckage of the Napoleonic Empire (1804–1815); the revolutions of 1848 showed the power of “liberty, equality, and fraternity” as moral ideas; in the New World, America gained its independence from the British Empire and ratified a constitution promising an open and democratic society; and the American Civil War (1861–1865) finally ended the widespread use of slavery in Western civilization. All the while, the Industrial Revolution was reshaping the economies of the richest nations.

It is not surprising that new ideas about ethics emerged in this era. In particular, Jeremy Bentham (1748–1832) made a powerful argument for a novel conception of morality. Morality, he urged, is not about pleasing God, nor is it about being faithful to abstract rules; instead, it is about making the world as happy as possible. Bentham believed in one ultimate moral principle, the “Principle of Utility.” That principle requires us, in all circumstances, to “maximize happiness”—in other words, to produce the greatest total balance of happiness over unhappiness, or of pleasure over suffering.

Bentham led a group of radicals who worked to reform the laws and institutions of England along utilitarian lines. One of his followers was James Mill, the distinguished Scottish philosopher, historian,

and economist. James Mill's son, John Stuart Mill (1806-1873), would become the next leading advocate of utilitarian ethics. The younger Mill's advocacy was even more elegant and persuasive than Bentham's. Mill's short book *Utilitarianism* (1861) is still required reading for serious students of moral philosophy.

At first glance, the Principle of Utility might not seem so radical; in fact, it might seem trite or clichéd. After all, who *doesn't* believe that we should oppose suffering and promote happiness? Yet Bentham and Mill, in their own way, were as revolutionary as the two most celebrated intellectual innovators of the 19th century: the biologist Charles Darwin (1809-1882) and the social theorist Karl Marx (1818-1883).

To understand why the Principle of Utility was so radical, consider what it *leaves out* of morality: It says nothing about God, nor does it speak of abstract rules "written in the heavens." Morality is *not* viewed as obedience to a list of ancient proclamations. Or as the utilitarian Peter Singer (1946-) puts it, morality is not "a system of nasty puritanical prohibitions . . . designed to stop people [from] having fun." Rather, ethics is about the happiness of beings in this world, and nothing more; and we are permitted—even required—to do what is necessary to bring about the most happiness. This was no quaint truism; this was a revolutionary idea.

The utilitarians wanted their doctrine to matter in practice. So let's see what Utilitarianism has to say about three real-world issues: euthanasia, marijuana, and the treatment of nonhuman animals. This will give us a better sense of the theory.

7.2. First Example: Euthanasia

Sigmund Freud (1856-1939), the legendary Austrian psychologist, was stricken with oral cancer after decades of cigar smoking. During his final years, Freud's health went up and down, but in early 1939, a large swelling formed in the back of his mouth, and he would have no more good days. Freud's cancer was active, and he was also suffering from heart failure. As his bones decayed, they cast off a foul smell, driving away his favorite dog. Mosquito netting was draped over his bed in order to keep flies away.

On September 21, at the age of 83, Freud took his friend and personal physician, Max Schur, by the hand and said, "My dear

Schur, you certainly remember our first talk. You promised me then not to forsake me when my time comes. Now it's nothing but torture and makes no sense any more." Forty years earlier Freud had written, "What has the individual come to . . . if one no longer dares to disclose that it is this or that man's turn to die?" Dr. Schur said he understood. He injected Freud with a drug in order to end his life. "He soon felt relief," Dr. Schur wrote, "and fell into a peaceful sleep."

Did Max Schur do anything wrong? On the one hand, he had noble motives—he loved his friend and wanted to relieve his patient's misery. Moreover, Freud had asked to die. Those facts argue for a lenient judgment. On the other hand, what Schur did was morally wrong according to the dominant moral tradition in our culture.

That tradition is Christianity. Christianity holds that human life is a gift from God, and only God may decide to end it. The early church condemned all killing, believing that Jesus's teachings permitted no exceptions to the rule. Later, the church recognized some exceptions, such as capital punishment and killing in war. Suicide and euthanasia, however, remained forbidden. To summarize the church's doctrine, theologians formulated the rule: *The intentional killing of innocent human beings is always wrong*. This idea has shaped Western attitudes about the morality of killing. Thus, we may be reluctant to excuse Max Schur, despite his noble motives. He intentionally killed an innocent person; therefore, according to our tradition, what he did was wrong.

Utilitarianism sees things differently. It asks: Which action available to Max Schur would have produced the greatest balance of happiness over unhappiness? The person whose happiness was most at stake—by far—was Sigmund Freud. If Schur had not killed him, Freud would have lived on, in wretched pain. How much unhappiness would this have involved? It is hard to say precisely, but Freud strongly preferred death. Under such circumstances, utilitarians support the intentional killing of an innocent human being.

The utilitarian approach is secular, but Bentham denied that it goes against religion. Bentham even said that pious folks would *endorse* the utilitarian standpoint if only they (really and truly) viewed God as benevolent. He writes,

The dictates of religion would coincide, in all cases, with those of utility, were the Being, who is the object of religion, universally supposed to be as benevolent as he is supposed to be wise and powerful. . . . But among the [advocates] of religion . . . there seem to be but few . . . who are real believers in his benevolence. They call him benevolent in words, but they do not mean that he is so in reality.

Mercy-killing might be a case in point. How, Bentham might ask, could a benevolent God forbid the killing of Sigmund Freud? If someone said, "God is caring and loving, but He forbids us from ending Freud's agony," this would be what Bentham means by "calling [God] benevolent in words, but not meaning that he is so in reality."

Most religious leaders, however, disagree with Bentham, and our legal tradition has been heavily influenced by Christianity. Among Western nations, euthanasia is legal in only a handful of countries. In the United States, it is simply murder, and a doctor who intentionally kills a patient could spend decades in prison. What would Utilitarianism say about this? If euthanasia is moral, on the utilitarian view, should it also be legal?

In general, if an action isn't wrong, then it should be allowed. Thus, mercy-killing should be allowed by law; it should be legal. Bentham believed that people should be free to do whatever they want—whatever they think will make them happy—so long as they aren't harming others. He opposed, for example, laws regulating the sexual conduct of consenting adults. Mill put this point eloquently in his book *On Liberty* (1859):

The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. . . . Over himself, over his own body and mind, the individual is sovereign.

Hence, utilitarians see laws against euthanasia as restricting people's freedom, for no good reason. When Dr. Schur killed Freud, he was ending Freud's life in the manner that Freud had chosen. No one else was affected, and so it was no one else's business. Bentham himself is said to have requested euthanasia in his final days. However, we do not know if he died in the manner of Freud.

7.3. Second Example: Marijuana

The War on Drugs. On June 17, 1971, President Richard Nixon declared that drug abuse was "public enemy number one" in the United States. "In order to fight and defeat this enemy," Nixon said, "it is necessary to wage a new, all-out offensive." Thus began America's "War on Drugs." Since then, each president has waged that war with vigor, uniting with Congress to spend billions of dollars on law enforcement, prison construction, military action, and public-opinion campaigns, all designed to reduce the use of illicit drugs. And every state government joined in. Today, almost half a million people are prisoners of America's Drug War; roughly 20% of people incarcerated in the United States are locked up primarily due to nonviolent drug offenses.

Despite its name, the War on Drugs targets only some drugs. Many drugs are perfectly legal. Anyone can buy over-the-counter medications, which contain such drugs as aspirin. Also legal are three drugs that millions of Americans are addicted to: alcohol, caffeine, and nicotine.

Drugs that the Drug War *does* target are divided into five categories. Those categories, or "schedules," were defined in the Controlled Substances Act, a federal law that Nixon signed. According to that law, "Schedule One" drugs are the worst. Those drugs are considered so dangerous that, not only are they outlawed for personal use, but doctors cannot even prescribe them to patients. If drug abuse is public enemy number one, as Nixon said, then Schedule One Drugs must be the worst villains of all.

Among those villains is marijuana. The Controlled Substances Act has always classified marijuana as a Schedule One Drug. Thus, under federal law, *nobody* in the United States may grow, possess, or distribute cannabis, including doctors and pharmacists. In 2010, before any state had legalized weed, *most* drug arrests in the United States were for marijuana, and most of those arrests were for simple possession. Marijuana, it seems, has been the main enemy in the War on Drugs.

Growing Support for Marijuana Reform. During the past fifty years, many Americans have opposed the Drug War, at least in their private behavior, from time to time: marijuana has always been popular.

A recent poll found that 52% of adults have tried marijuana, and 22% are current users. For such reasons, perhaps, the drug has many nicknames. A federal-government website notes that marijuana is sometimes called "pot," "weed," "bud," "herb," "grass," "ganja," and "Mary Jane"—to which we may add "reefer," "chronic," "cannabis," "dope," "schwag," "skunk," "stinkweed," "gangster," "420," "THC," and "the Devil's lettuce." Yet most Americans—Democrats and Republicans alike—have supported the War on Drugs, ever since Nixon declared it.

In the last decade, however, many states have passed pro-marijuana laws in defiance of the Controlled Substances Act. By 2018, most states had legalized marijuana for medical purposes (for example, for treating nausea in cancer patients), while eight states, including California, had legalized it outright. Today, more than 20% of Americans live in states with laws that let adults purchase pot in certain places, just as adults might buy vodka at a package store or liquor store.

What happens, in practice, when a state law conflicts with a federal law? Usually, the state law is deemed null and void, because the U.S. Constitution says that federal laws get priority. In this case, however, the federal government has decided—so far—not to enforce the Controlled Substances Act against people who use weed in states that have legalized it. Given the nature of politics, perhaps that's unsurprising; a recent poll of Americans found broad support for the reform of marijuana laws, with 61% supporting full legalization, 88% in favor of medical marijuana, and 71% wanting the federal government to let states do as they wish.

The Pros and Cons of Marijuana Use. For utilitarians, the morality of pot depends solely on how pot affects people's happiness. Yet the issues lurking here are complex: Millions of people are affected in different ways by whether marijuana is legal, and even the smaller question of whether some particular person should use the drug on some particular occasion seems to invite a variety of responses. How, then, can a utilitarian expect to reach any firm conclusions about the overall happiness?

There are no guarantees, but when an issue is complex, utilitarians will often assess a proposed course of action by listing its pros

and cons, where the "pros" are the ways in which it might increase happiness, and the "cons" are the ways in which it might decrease happiness. Then, once everything is laid out, one can try to judge the balance of those factors. So let's apply this method to two questions about pot. One concerns the law: Should marijuana be legal? The other question, which we'll consider first, concerns the well-being of individuals: how does getting high affect people's happiness? In other words, what are the harms and benefits of using weed?

The main benefit is pleasure. Marijuana is enormously relaxing, and it can greatly enhance the pleasure of sensory activities, such as eating, listening to music, and having sex. That fact is not always mentioned in public debates; sometimes, people seem to assume that enjoyment is irrelevant to ethics. Utilitarians, however, disagree. For them, enjoyment is central to ethics. Utilitarians value pleasure, and they do not believe that pleasures obtained through drugs are inherently worse than other pleasures. Utilitarians do not believe in "evil pleasures"—that is, in pleasures that are bad by their very nature. If something feels good, then it is good, at least to that extent. Being high feels good to a lot of people, and their pleasure matters as much as anyone else's.

What harm does marijuana do? Some of the charges made against it are untrue. First, almost one-fourth of Americans believe that marijuana leads to violence. Yet the opposite is true: Being high makes people calm and passive, not angry and aggressive. Second, marijuana has been said to be highly addictive. Yet experts believe that it is less addictive than either caffeine or alcohol. Third, pot has been called a "gateway drug" that leads people to "experiment with" harder, and presumably more dangerous, drugs. And that claim might be supported with the observation that heroin addicts usually tried pot first. In response, however, marijuana does not cause a craving for other drugs. Instead, it causes a craving for food—"the munchies." And while marijuana is typically tried before heroin, that fact is unsurprising, given that marijuana is more widely available. To make an analogy: Almost every cocaine addict first tried caffeine, but that fact is no indication that Coke is a gateway to coke.

Yet marijuana does have drawbacks. First, even if it's not *highly* addictive, some people become dependent on it and will withdraw if they stop using it. The withdrawal process isn't horrible—it isn't

like heroin or nicotine withdrawal—but it can be unpleasant for several days. Second, marijuana can produce paranoia, especially if one gets high in a socially uncomfortable environment (or in a place where someone might suddenly knock on the door). Third, extended heavy use tends to make people less sharp, mentally. Note, however, that utilitarians might disagree about whether losing a little brain-power makes people less happy. Fourth, heavy users sometimes fall into a lethargy that makes them both unproductive and undependable—which not only harms them but also harms those who depend on them, such as roommates and family members.

Heavy use also increases one's chances of getting two terrible diseases: testicular cancer, which can be fatal, and schizophrenia, a long-term mental disorder. The risk of schizophrenia is greatest to young users, because schizophrenia tends to strike young adults. The extent of both of those risks, however, may be unclear; we know less about marijuana than about, say, tobacco. Yet our evidence strongly suggests that heavy pot-smoking is bad for one's respiratory system and gums. Note, however, that this might be because the pot is *smoked*. No studies have shown that consuming cannabis in other ways—for example, in pills or brownies—harms one's gums or one's ability to breathe.

What should we conclude about marijuana use? When we consider the harms and benefits, *occasional* use hardly even seems like a moral issue; the biggest risk it carries is the risk of getting arrested. Thus, utilitarians consider casual use to be a matter of personal preference and, where pot is illegal, of being careful so as not to get caught.

Heavy use is harder to assess. For people who enjoy marijuana, does their enhanced pleasure and reduced stress outweigh the risks of lethargy and disease—including the toll that their lethargy might take on others? One thought is that, to make a full comparison of the harms and benefits, we should also consider the health *benefits* that might come from leading a less stressful life. At any rate, utilitarians are free to disagree about whether using pot heavily is a good idea.

The Pros and Cons of Marijuana Legalization. What about the law—should utilitarians want pot to be legal? Most of the harms of

legalization have already been discussed: an increased risk of certain diseases, more paranoia, more lethargy, and less productivity. The only other harm to consider is traffic accidents. Currently, however, the studies disagree about whether car crashes occur more often when drivers are high. This is because there's a trade-off: On the one hand, stoned drivers are easily distracted and may react slowly to unexpected dangers; yet potheads also drive defensively and are especially aware of their surroundings, because marijuana heightens the senses. Thus, a typical stoned driver is acutely aware yet easily distracted, and may react slowly to trouble yet may encounter less of it, due to his or her cautious driving-habits.

What are the *benefits* of legalizing marijuana? A benefit already discussed is the pleasure of the users. According to Utilitarianism, not only is pleasure a reason for you to get high, it is also a reason to let others get high—in other words, to support legal weed.

A second benefit is that users would no longer get arrested and imprisoned. In 2015, there were over 570,000 arrests for marijuana possession—more than were made for all violent crimes *combined*. Not only is being arrested and locked up awful, but ex-convicts have a hard time finding decent jobs, and even people who are arrested but never prosecuted can be charged a fee by the police station. Utilitarians care about every harm, even the harms that are inflicted on lawbreakers who knew they might get caught.

A third benefit is economic. Where marijuana is illegal, society spends money on enforcing the law; where marijuana is legal, society makes money by taxing the drug. For example, Colorado collected an extra \$2 million in taxes during its first *month* of legal marijuana sales. And in 2015, Colorado's marijuana industry created more than 18,000 full-time jobs and generated almost \$2.4 billion in economic activity, some of it from "marijuana tourists"—people who visited Colorado primarily to get high.

A fourth benefit is improved relations between minority communities and police. In the early 1970s, the "Jim Crow" era of legally enforced racial segregation in the United States was ending. Yet many people of color experienced the Drug War as a continuation of Jim Crow: The brutal enforcement of racism had merely been replaced by a zealous quest to arrest and imprison nonviolent African-American men. A recent study found that, among

Americans who use pot, blacks are *over four times* more likely than whites to be arrested for possession. The War on Drugs has thus generated great resentment in minority communities. This resentment is not only bad in itself, but it has also hindered the police in many of their efforts to catch *violent* criminals. For when a violent crime occurs in a minority neighborhood, residents at the scene are often reluctant to help investigating officers, because they see the police as their enemy—as the people who break down doors in the middle of the night in order to put somebody's nonviolent father, son, or brother in a locked cage. Legalization could improve community relations.

A fifth benefit is less drug violence around the world, especially in Latin America. For decades, the United States has pressured its neighbors to participate in its Drug War. And many of them have; they have tried to crack down on the making and moving of drugs within their own borders. Yet their efforts have often encountered fierce internal resistance, especially when people doing well in the drug business would become poor if they had to find other work. Thus, government forces often wind up fighting private armies whose soldiers are well-financed by drugs and well-motivated by their desire to have a decent quality of life. In Mexico, such conflicts have turned into a long, bloody war between various law-enforcement agencies and various criminal organizations. Legalizing marijuana would not solve all of these problems, but it would help.

A sixth benefit is that if people use more pot, then they might use other, more harmful drugs less. Of course, this won't be true of everyone. Some people might use more marijuana, without cutting back on any other drugs. Most people, however, will use other drugs less, for two reasons. First, pot might give them a better version of whatever benefit they were getting from the other drug. Hence, they might *replace* the other drug, at least to some extent, with marijuana. Consider, for example, alcohol. People who drink vodka in order to unwind, fall asleep, or ease their pain, might find marijuana more effective in these regards. So, they might drink less. The second reason is financial: One drug is cheaper than two. A pile of weed costs less than a pile of weed *plus* a bottle of rum. Hence, some people who use more weed will drink less rum.

Would society benefit if marijuana replaced alcohol as the main recreational drug? Indeed it would. Although marijuana doesn't cause violence, alcohol does; many people become angry and abusive when they get drunk. Alcohol also impairs driving *severely*. Moreover, heavy drinking leads to an unpleasant hangover, which can cause the drinker to be as unproductive as the marijuana user. And again, the economic costs of alcohol abuse are huge. In 2010, the total cost to Americans—which includes medical bills, lost wages, legal fees, and funeral expenses—has been estimated at a staggering \$249 billion. Finally, and most importantly, alcohol causes more deaths: You can't overdose on marijuana, but you can die from acute alcohol poisoning. Alcohol kills around 88,000 Americans per year, mainly through liver disease, fetal alcohol syndrome, strokes, and car accidents. The victims of alcohol die, on average, about 30 years prematurely; alcohol kills young and old alike.

Legalization would also save lives by reducing the deadly abuse of opioid narcotics. The opioids include morphine, heroin, fentanyl, oxycodone (OxyContin), and hydrocodone (Vicodin). Some opioids are used legally, as prescription painkillers. Otherwise, people use them to manage their pain and stress, and to feel good.

Drug overdose is the main cause of death in American adults under the age of 50. In 2015, there were 52,404 overdose deaths in the United States—the worst year ever, until 2016, when around 64,000 people died. And most of these were opioid overdoses. Yet many people would use marijuana instead of narcotics, if given the chance. Marijuana, like the opioids, can reduce pain and stress and produce a sense of well-being. The legalization of *medical* marijuana has already reduced opioid fatalities, according to several studies. But legalizing marijuana generally should also save lives, for the same reason: The more widely available pot is, the more often it will be used instead of an opioid.

The benefits of legalizing marijuana clearly outweigh the harms. Therefore, almost all utilitarians favor legalization.

How Did This Happen? If alcohol is more harmful than marijuana, then cigarettes are much worse than either. Cigarettes cause almost one-fifth of deaths in the United States. Smoking kills more people than the following causes *combined*: alcohol, illegal drugs, car

accidents, guns, and HIV/AIDS. Yet cigarettes are legal throughout the United States, and marijuana is not.

The utilitarian case for legalization seems so strong that one might wonder how marijuana became the main target of America's Drug War. Did the architects of that war really believe that marijuana is extremely harmful?

Evidently, they did not. In the mid-1990s, President Nixon's advisor John Ehrlichman appeared to speak frankly about why Nixon had started the War on Drugs. "You want to know what this was really all about?" he said.

[The Nixon White House] had two enemies: the antiwar left and black people. . . . We knew we couldn't make it illegal to be either against the [Vietnam] war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did.

In 1974, Richard Nixon resigned the presidency in disgrace. Yet his Drug War goes on. It goes on, even though it now seems like a war that began dishonestly, with racist, partisan political motivations, and has done more harm than good.

7.4. Third Example: Nonhuman Animals

The treatment of animals has traditionally been regarded as a trivial matter. Christians believe that man alone is made in God's image and that animals do not have souls. Thus, by the natural order of things, we can treat animals in any way we like. Saint Thomas Aquinas (1225-1274) summed up the traditional view when he wrote,

Hereby is refuted the error of those who said it is sinful for a man to kill brute animals; for by the divine providence they are intended for man's use in the natural order. Hence it is not wrong for man to make use of them, either by killing them or in any other way whatever.

But isn't it wrong to be *cruel* to animals? Aquinas concedes that it is, but he says the reason has to do with human welfare, not the welfare of the animals:

And if any passages of Holy Scripture seem to forbid us to be cruel to brute animals, for instance to kill a bird with its young, this is either to remove man's thoughts from being cruel to other men, lest through being cruel to animals one becomes cruel to human beings; or because injury to an animal leads to the temporal hurt of man, either of the doer of the deed, or of another.

Thus, according to the traditional view, people and animals are in separate moral categories. Animals have no moral standing of their own; we are free to treat them in any way we please.

Put so bluntly, the traditional doctrine might make us a little nervous: It seems extreme in its lack of concern for nonhuman animals, many of which are, after all, intelligent and sensitive creatures. Yet much of our conduct is guided by this doctrine. We eat animals; we use them as experimental subjects in our laboratories; we use their skins for clothing and their heads as wall ornaments; we make them the objects of our amusement in circuses, rodeos, and bullfights; and we track them down and kill them for sport. All of these activities involve considerable animal pain.

If the theological "justification" of these practices seems thin, Western philosophers have offered plenty of secular ones. Philosophers have said that animals are not *rational*, that they lack the ability to *speak*, or that they are simply not *human*—and all these are given as reasons why their interests lie outside the sphere of moral concern.

The utilitarians, however, would have none of this. On their view, what matters is not whether an animal has a soul, is rational, or any of the rest. All that matters is whether it can experience happiness and unhappiness. If an animal can suffer, then we have a duty to take that into account when deciding what to do. In fact, Bentham argues that whether an animal is human or nonhuman is just as irrelevant as whether it is black or white. He writes,

The day *may* come when the rest of the animal creation may acquire those rights which never could have been withheld

from them but by the hand of tyranny. The French have already discovered that the blackness of the skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may one day come to be recognized that the number of the legs, the villosity of the skin, or the termination of the *os sacrum* are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or perhaps the faculty of discourse? But a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day or a week or even a month old. But suppose they were otherwise, what would it avail? The question is not, Can they *reason*? nor Can they *talk*? but, Can they *suffer*?

If a human is tormented, why is it wrong? Because that person suffers. Similarly, if a nonhuman is tormented, it also suffers. Whether it is a *human* or an *animal* that suffers is simply irrelevant. To Bentham and Mill, this line of reasoning was conclusive. Humans and nonhumans are equally entitled to moral concern.

This view may seem as extreme, in the opposite direction, as the traditional view that grants animals no moral standing at all. Are animals really the equal of humans? In some sense, Bentham and Mill thought so, but they did not believe that animals and humans must always be treated in the same way. There are factual differences between them that will justify many differences in treatment. For example, because of their intellectual capacities, humans can take pleasure in many things that nonhumans cannot enjoy—mathematics, movies, literature, strategy games, and so on. And similarly, humans' superior capacities make them capable of frustrations and disappointments that other animals cannot experience. Thus, our duty to promote happiness entails a duty to promote those special enjoyments for humans, as well as to prevent any special harms they might suffer.

At the same time, however, we have a moral duty to take into account the suffering of animals, and their suffering should count equally with any similar suffering experienced by humans. The contrary view—that animal suffering matters less, because they're just animals—is called *speciesism*. Utilitarians believe that speciesism is

discrimination against other species, just as racism is discrimination against other races.

Human beings are especially "speciesist" in their production of meat. Many people believe, in a vague way, that slaughterhouses are unpleasant, but that animals raised for food are otherwise treated humanely. In fact, farm animals live in abhorrent conditions before being taken off to slaughter. Veal calves, for example, spend 24 hours per day in pens so small that they cannot turn around, lie down comfortably, or even twist their heads around to get rid of parasites on their own bodies. The producers put them in tiny pens to save money and to keep the meat tender. The cows clearly miss their mothers, and like human infants, they want something to suck, so they try in vain to suck the sides of their wooden stalls. The calves are also fed a diet deficient in iron and roughage, in order to keep their meat pale and tasty. Their craving for iron becomes so strong that, if they're allowed to turn around, they will lick at their own urine—which normally they would never do. Without roughage, the calves cannot form a cud to chew. For this reason, they cannot be given straw bedding, because they would eat it, in an attempt to consume roughage. So, for these animals, the slaughterhouse is not an unpleasant end to an otherwise contented existence.

The veal calf is just one example. Chickens, turkeys, pigs, and adult cows all live in horrible conditions before being slaughtered. The utilitarian argument on these matters is simple. The system of meat production causes enormous suffering for the animals with no compensating benefits. Therefore, we should abandon that system. We should either become vegetarians or else treat our animals humanely before killing them.

What is most revolutionary in all this is simply the idea that nonhuman animals count. We normally assume that human beings are alone in deserving moral consideration. Utilitarianism challenges that assumption and insists that we should care about any creature that feels pleasure and pain. Human beings are special in many ways, and an adequate morality must acknowledge that fact. But we are not the only animals capable of suffering, and an adequate morality must acknowledge that fact as well.

CHAPTER 8

The Debate over Utilitarianism

The creed which accepts . . . the Greatest Happiness Principle . . . holds that actions are right . . . as they tend to promote happiness, wrong as they tend to produce the reverse of happiness.

JOHN STUART MILL, *UTILITARIANISM* (1861)

Man does not strive after happiness; only the Englishman does that.

FRIEDRICH NIETZSCHE, *TWILIGHT OF THE IDOLS* (1889)

8.1. The Classical Version of the Theory

Classical Utilitarianism can be summed up in three propositions:

(a) The morality of an action depends solely on the consequences of the action; nothing else matters. (b) An action's consequences matter only insofar as they involve the greater or lesser happiness of individuals. (c) In the assessment of consequences, each individual's happiness gets *equal consideration*. This means that equal amounts of happiness always count equally; nobody's well-being matters more just because he is rich, let's say, or powerful, or handsome, or a man rather than a woman. Morally, everyone counts the same. According to Classical Utilitarianism, an action is right if it produces the greatest overall balance of happiness over unhappiness.

Classical Utilitarianism was developed and defended by three of the greatest philosophers in 19th-century England: Jeremy Bentham (1748-1832), John Stuart Mill (1806-1873), and Henry Sidgwick (1838-1900). Thanks in part to their work, Utilitarianism has had a profound influence on modern thinking. Most moral philosophers, however, reject the theory. In what follows, we will discuss some

of the objections that have made the theory unpopular. In examining these arguments, we will also be pondering some of the deepest questions in ethical theory.

8.2. Is Pleasure All That Matters?

The question, *What things are good?* is different from the question, *What actions are right?* and Utilitarianism answers the second question by reference to the first. Right actions are the ones that produce the most good. But what is good? The utilitarian reply is: happiness. As Mill puts it, "The utilitarian doctrine is that happiness is desirable, and the only thing desirable, as an end; all other things being only desirable as means to that end."

But what is happiness? According to the classical utilitarians, happiness is pleasure. Utilitarians understand "pleasure" broadly, to include all mental states that feel good. A sense of accomplishment, a delicious taste, and the heightened awareness that comes at the climax of a suspenseful movie are all examples of pleasure. The thesis that pleasure is the one ultimate good—and pain the one ultimate evil—has been known since antiquity as Hedonism. The idea that things are good or bad because of how they make us *feel* has always had a following in philosophy. Yet a little reflection seems to reveal flaws in this idea.

Consider these two examples:

- *You think someone is your friend, but he ridicules you behind your back.* No one tells you, so you never know. Is this unfortunate for you? Hedonists would have to say it is not, because you are never caused any pain. Yet we believe that something bad is going on. You are being mistreated, even though you are unaware of it and suffer no unhappiness.
- *A promising young pianist's hands are injured in a car accident so that she can no longer play.* Why is this bad for her? Hedonists would say it is bad because it causes her pain and eliminates a source of joy for her. But suppose she finds something else that she enjoys just as much—suppose, for example, she gets as much pleasure from watching hockey on TV as she once got from playing the piano. Why

is her accident now a tragedy? Or why is it a bad thing at all? The hedonist can only say that she will feel frustrated and upset whenever she thinks of what might have been, and *that* is her misfortune. But this explanation gets things backward. It is not as though, by feeling upset, she has turned a neutral situation into a bad one. On the contrary, the bad situation is what made her unhappy. She might have become a great pianist, and now she will not. We cannot eliminate the tragedy by getting her to cheer up and watch hockey.

Both of these examples rely on the same idea: We value things other than pleasure. For example, we value artistic creativity and friendship. These things make us happy, but that's not the only reason we value them. It seems like a misfortune to lose them, even if there is no loss of happiness.

For this reason, most present-day utilitarians reject the classical assumption of Hedonism. Some of them bypass the question of what's good, saying only that right actions are the ones that have the best results, however that is measured. Other utilitarians, such as the English philosopher G. E. Moore (1873-1958), have compiled short lists of things to be regarded as valuable in themselves. Moore suggested that there are three intrinsic goods—pleasure, friendship, and aesthetic enjoyment—and so right actions are actions that maximize the world's supply of those things. Still others say that we should help people get what they *want*—in other words, we should try to maximize the satisfaction of people's *preferences*. We won't discuss these theories any further. I mention them only to note that, although Hedonism has largely been rejected, contemporary utilitarians have not found it hard to carry on.

8.3. Are Consequences All That Matter?

To determine whether an action is right, utilitarians believe that we should look at *what will happen as a result of doing it*. This idea is central to the theory. If things other than consequences are important in determining what is right, then Utilitarianism is incorrect. Here are three arguments that attack the theory at just this point.

Justice. In 1965, writing in the racially charged climate of the American civil rights movement, H. J. McCloskey asks us to consider the following case:

Suppose a utilitarian were visiting an area in which there was racial strife, and that, during his visit, a Negro rapes a white woman, and that race riots occur as a result of the crime. . . . Suppose too that our utilitarian is in the area of the crime when it is committed such that his testimony would bring about the conviction of [whomever he accuses]. If he knows that a quick arrest will stop the riots and lynchings, surely, as a utilitarian, he must conclude that he has a duty to bear false witness in order to bring about the punishment of an innocent person.

Such an accusation would have bad consequences—the innocent man would be convicted—but there would be enough good consequences to outweigh them: The riots and lynchings would be stopped, and many lives would be saved. The best outcome would thus be achieved by bearing false witness; therefore, according to Utilitarianism, lying is the thing to do. But, the argument continues, it would be wrong to bring about the conviction of an innocent person. Therefore, Utilitarianism must be incorrect.

According to the critics of Utilitarianism, this argument illustrates one of the theory's most serious shortcomings, namely, that it conflicts with the ideal of justice. Justice requires us to treat people fairly, according to the merits of their particular situations. In McCloskey's example, Utilitarianism requires that we treat someone unfairly. Therefore, Utilitarianism cannot be right.

Rights. Here is an example from the U.S. Court of Appeals. In the case of *York v. Story* (1963), arising out of California,

In October, 1958, appellant [Ms. Angelynn York] went to the police department of Chino for the purpose of filing charges in connection with an assault upon her. Appellee Ron Story, an officer of that police department, then acting under color of his authority as such, advised appellant that it was necessary to take photographs of her. Story then took appellant to a room in the police station, locked the door, and directed her to undress, which she did. Story then directed appellant to assume various indecent positions, and photographed her in those

positions. These photographs were not made for any lawful or legitimate purpose.

Appellant objected to undressing. She stated to Story that there was no need to take photographs of her in the nude, or in the positions she was directed to take, because the bruises would not show in any photograph. . . .

Later that month, Story advised appellant that the pictures did not come out and that he had destroyed them. Instead, Story [made additional prints and] circulated these photographs among the personnel of the Chino police department.

Ms. York brought suit against Officer Story and won. Her legal rights had clearly been violated. But what about the *morality* of Story's behavior? Utilitarianism says that actions are defensible if they produce a favorable balance of happiness over unhappiness. This suggests that we compare the amount of unhappiness caused to York with the amount of pleasure the photographs gave to Officer Story and the others. And it is at least possible that more happiness than unhappiness was created. In that case, the utilitarian would say that Story's actions were morally acceptable. But this seems perverse. Why should the pleasure of Story and his friends matter at all? They had no right to treat York in this way, and the fact that they enjoyed doing so hardly seems relevant.

Consider a related case. Suppose a Peeping Tom spied on a woman through her bedroom window and secretly took pictures of her undressed. Suppose he is never caught, and he never shows the pictures to anyone. Under these circumstances, the only consequence of his action seems to be an increase in his own happiness. No one else, including the woman, is caused any unhappiness at all. How, then, could a utilitarian deny that the Peeping Tom's actions are right? Utilitarianism again appears to be unacceptable.

The key point is that Utilitarianism is at odds with the idea that people have *rights* that may not be trampled on merely because one anticipates good results. In these examples, the woman's right to privacy is violated. But we could think of similar cases in which other rights are at issue—the right to worship freely, the right to speak one's mind, or even the right to live. On Utilitarianism, an individual's rights may always be trampled upon if enough people benefit from the trampling. Utilitarianism has thus been accused of

supporting the "tyranny of the majority": If the majority of people would take pleasure in someone's rights being abused, then those rights should be abused, because the pleasure of the majority outweighs the suffering of the one. However, we do not think that our individual rights should mean so little, morally. The notion of an individual right is not a utilitarian notion. Quite the opposite: It is a notion that places limits on how an individual may be treated, regardless of the good that might be accomplished.

Backward-Looking Reasons. Suppose you have promised to do something—say, you promised to meet your friend at a coffee shop this afternoon. But when the time comes to go, you don't want to; you need to catch up on some work and would rather stay home. You start to cancel the get-together by text, but then you remember that your friend just lost her smartphone. What should you do?

Suppose you judge that the benefits of staying home would outweigh, however slightly, the irritation that your friend would feel from being stood up. If you applied the utilitarian standard to this situation, then you might conclude that you should stay home and stand up your friend. Yet that conclusion seems incorrect. *The fact that you promised to be at the coffee shop* imposes an obligation on you that you cannot shed so easily.

Of course, if a great deal were at stake—if, for example, you had to rush your roommate to the hospital—then you should break your promise. However, a small gain in happiness cannot overcome your obligation to keep your word. After all, a promise should mean *something*, morally. Thus, once again, Utilitarianism seems mistaken.

This criticism is possible because Utilitarianism cares only about the *consequences* of our actions. However, we normally think that some facts about the past are important, too. You made a promise to your friend, and that's about the past. Utilitarianism seems faulty because it excludes such backward-looking reasons.

Once we understand this point, we can think of other examples of backward-looking reasons. The fact that someone committed a crime is a reason to punish him. The fact that someone did you a favor last week is a reason for you to do her a favor next week. The fact that you hurt someone yesterday is a reason to apologize to him

today. These are all facts about the past that are relevant to determining our obligations. But Utilitarianism makes the past irrelevant, and so it seems flawed.

8.4. Should We Be Equally Concerned for Everyone?

The last part of Utilitarianism says that we must treat each person's happiness as equally important—or as Mill put it, we must be “as strictly impartial as a disinterested and benevolent spectator.” Stated abstractly, this sounds plausible, but it has troubling implications. One problem is that the requirement of “equal concern” places too great a demand on us; another problem is that it tells us to do things that would destroy our personal relationships.

The Charge That Utilitarianism Is Too Demanding. Suppose you are on your way to the movies when someone points out that the money you are about to spend could be used to feed the starving or to provide inoculations for third-world children. Surely, those people need food and medicine more than you need to see Vin Diesel and Dwayne “The Rock” Johnson. So you forgo your entertainment and donate your money to charity. But it doesn't stop there. By the same reasoning, you cannot buy nice shoes or upgrade to a new computer. And you should probably eat out less and move into a cheaper apartment. After all, what's more important—your luxuries or children's lives?

In fact, faithful adherence to the utilitarian standard would require you to give away your wealth until you've made yourself as poor as the people you're helping. Or rather, you'd need to leave yourself just enough to maintain your job, so that you can keep on giving. Although we would admire someone who did all this, we would not think that such a person was merely “doing his duty.” Rather, we would regard him as a saint, as someone whose generosity went *beyond* the call of duty. Philosophers call such actions *supererogatory*. But Utilitarianism seems unable to recognize this moral category.

The problem is not merely that Utilitarianism would require us to give away most of our things. It would also prevent us from

carrying on with our lives. We all have goals and projects that make our lives meaningful. But an ethic that requires us to promote the general welfare to the maximum extent possible would force us to abandon those endeavors. Suppose you are a Web designer, not getting rich but making a decent living; you have two children whom you love; and on weekends, you like to perform with an amateur theater group. In addition, you enjoy reading history. How could there be anything wrong with this? But judged by the utilitarian standard, you are leading an immoral life. After all, you could do a lot more good by spending your time in other ways.

The Charge That Utilitarianism Disrupts Our Personal Relationships. In practice, none of us is willing to treat everyone equally, because that would require us to give up our special ties to friends and family. We are all deeply partial where our family and friends are concerned. We love them, and we go to great lengths to help them. To us, they are not just members of the great crowd of humanity—they are special. But all this is inconsistent with impartiality. When you are impartial, you miss out on intimacy, love, affection, and friendship.

At this point, Utilitarianism seems to have lost all touch with reality. What would it be like to care about one's spouse no more than one cares about complete strangers? The very idea is absurd; not only is it profoundly contrary to normal human emotions, but loving relationships could not even exist apart from special responsibilities and obligations. Again, what would it be like to treat one's children with no greater love than one has for strangers? As John Cottingham puts it, "A parent who leaves his child to burn" because "the building contains someone else whose future contribution to the general welfare promises to be greater, is not a hero; he is (rightly) an object of moral contempt, a moral leper."

8.5. The Defense of Utilitarianism

Together, these objections appear to be decisive. Utilitarianism seems unconcerned with both justice and individual rights. Moreover, it cannot account for backward-looking reasons. If we lived by the theory, we would become poor, and we would have to stop loving our family and our friends.

Most philosophers have, therefore, abandoned Utilitarianism. Some philosophers, however, still believe it. They defend it in three different ways.

The First Defense: Contesting the Consequences. Most of the arguments against Utilitarianism go like this: A situation is described; then it is said that some particular (vile!) action would have the best consequences under those circumstances; then Utilitarianism is faulted for advocating that action. These arguments, however, succeed only if the actions they describe really would have the best consequences. Would they? According to the first defense, they would not.

Consider, for example, McCloskey's argument, in which Utilitarianism is supposed to support framing an innocent man in order to stop a race riot. In the real world, would bearing false witness in this way actually have good consequences? Probably not. The liar might be discovered, and then the situation would be worse than before. And even if the lie succeeded, the real culprit would remain at large and might commit more crimes, to be followed by more riots. Moreover, if the guilty party were later caught, which is always possible, the liar would be in deep trouble, and public trust in the criminal justice system would erode. The moral is that although one might *think* that one can bring about the best consequences by such behavior, experience teaches the opposite: Utility is not served by framing innocent people.

The same goes for the other arguments. Lying, violating people's rights, breaking one's promises, and severing one's intimate relationships all have bad consequences. Only in philosophers' imaginations is it otherwise. In the real world, Peeping Toms are caught, just as Officer Story was caught, and their victims pay the price. In the real world, when people lie, their reputations suffer and other people get hurt; and when people break their promises and fail to return favors, they lose their friends.

So that is the first defense. Unfortunately, it is not very effective. While it is true that *most* acts of false witness and the like have bad consequences, it cannot be said that *all* such acts have bad consequences. At least once in a while, one can bring about a good result by doing something repugnant to moral common sense.

Therefore, in at least some real-life cases, Utilitarianism will conflict with common sense. Moreover, even if the anti-utilitarian arguments had to rely on fictitious examples, those arguments would retain their power. Theories like Utilitarianism are supposed to apply to *all* situations, including situations that are merely hypothetical. Thus, showing that Utilitarianism has unacceptable implications in made-up cases is a valid way of critiquing it. The first defense, then, is weak.

The Second Defense: The Principle of Utility Is a Guide for Choosing Rules, Not Acts. Revising a theory is a two-step process: first, you identify which feature of the theory needs work; second, you change only that feature, leaving the rest of the theory intact. What feature of Classical Utilitarianism is causing the trouble?

The troublesome assumption might be that *each individual action* should be judged by the utilitarian standard. Whether it would be wrong to tell a particular lie depends on the consequences of *telling that particular lie*; whether you should keep a particular promise depends on the consequences of *keeping that particular promise*; and so on for each of the examples we have considered. If what we care about is the consequences of particular actions, then we can always dream up circumstances in which a horrific action will have the best consequences.

Therefore, the new version of Utilitarianism modifies the theory so that individual actions are no longer judged by the Principle of Utility. Instead, we must first ask what *set of rules* is optimal, from a utilitarian viewpoint. In other words, what rules should we follow in order to maximize happiness? Individual acts are then assessed according to whether they abide by these rules. This new version of the theory is called "Rule-Utilitarianism," to distinguish it from the original theory, now commonly called "Act-Utilitarianism."

Rule-Utilitarianism has an easy answer to the anti-utilitarian arguments. An act-utilitarian would incriminate the innocent man in McCloskey's example because the consequences of *that particular act* would be good. But the rule-utilitarian would not reason in that way. She would first ask, "What rules of conduct tend to promote the most happiness?" And one good rule is "don't bear false witness against the innocent." That rule is simple and easy to remember,

and following it will almost always increase happiness. By appealing to it, the rule-utilitarian can conclude that in McCloskey's example we should not testify against the innocent man.

Similar reasoning can be used to establish rules against violating people's rights, breaking promises, lying, betraying one's friends, and so on. We should accept such rules because following them, on a regular basis, promotes the general happiness. So we no longer judge acts by their utility but by their conformity to these rules. Thus, Rule-Utilitarianism cannot be convicted of violating our moral common sense. In shifting the emphasis from the justification of acts to the justification of rules, Utilitarianism has been brought into line with our intuitive judgments.

However, a serious problem with Rule-Utilitarianism arises when we ask whether the ideal rules have *exceptions*. Must the rules be followed no matter what? What if a "forbidden" act would greatly increase the overall good? The rule-utilitarian might give any one of three answers to this question.

First, if she says that in such cases we may violate the rules, then it looks like she wants to assess actions on a case-by-case basis. This is Act-Utilitarianism, not Rule-Utilitarianism. Thus, it is vulnerable to all of the objections that have been given.

Second, she might suggest that we formulate the rules so that violating them will never increase happiness. For example, instead of using the rule, "don't bear false witness against the innocent," we might use the rule, "don't bear false witness against the innocent, unless doing so would achieve some great good." If we change all of the rules in this way, then Rule-Utilitarianism will be exactly like Act-Utilitarianism in practice; the rules we follow will always tell us to choose the act that generates the most happiness. But now Rule-Utilitarianism does not provide a response to the anti-utilitarian arguments; like Act-Utilitarianism, Rule-Utilitarianism tells us to incriminate the innocent, break our promises, spy on people in their homes, and so on.

Finally, the rule-utilitarian might stand her ground and say that we should never break the rules, even to promote happiness. J. J. C. Smart (1920-2012) says that such a person suffers from an irrational "rule worship." Whatever one thinks of that, this version of Rule-Utilitarianism is not really a utilitarian theory at all.

Utilitarians care solely about happiness and about consequences, but this theory, in addition, cares about following rules. The theory is thus a mixture of Utilitarianism and something else entirely. To paraphrase one writer, this type of Rule-Utilitarianism is like a rubber duck: Just as a rubber duck is not a kind of duck, this type of Rule-Utilitarianism is not a kind of Utilitarianism. And so, we cannot defend Utilitarianism by appealing to it.

The Third Defense: "Common Sense" Is Wrong. Finally, some utilitarians have offered a very different response to the objections. Upon being told that Utilitarianism conflicts with common sense, they respond, "So what?" Looking back at his own defense of Utilitarianism, J. J. C. Smart writes,

Admittedly utilitarianism does have consequences which are incompatible with the common moral consciousness, but I tended to take the view "so much the worse for the common moral consciousness." That is, I was inclined to reject the common methodology of testing general ethical principles by seeing how they square with our feelings in particular instances.

This breed of utilitarian—hard-nosed and unapologetic—can offer three responses to the anti-utilitarian arguments.

The First Response: All Values Have a Utilitarian Basis. Critics of Utilitarianism say that the theory can't make sense of some of our most important values—such as the value we attach to truth telling, promise keeping, respecting other people's privacy, and loving our children. Consider, for example, lying. The main reason not to lie, the critics say, has nothing to do with bad consequences. The reason is that lying is dishonest; it betrays people's trust. That fact has nothing to do with the utilitarian calculation of benefits and harms. Honesty has a value over and above any value that the utilitarian can acknowledge. And the same is true of promise keeping, respecting other people's privacy, and loving our children.

But according to philosophers such as Smart, we should think about these values one at a time and consider why they're important. When people lie, the lies are often discovered, and those betrayed feel hurt and angry. When people break their promises, they irritate their neighbors and alienate their friends. Someone whose privacy

is violated may feel humiliated and want to withdraw from others. When people don't care more about their own children than they do about strangers, their children feel unloved, and one day they too may become unloving parents. All these things reduce happiness. Far from being at odds with the idea that we should be honest, dependable, respectful, and loving to our children, Utilitarianism explains why those things are good.

Moreover, apart from the utilitarian explanation, these duties would seem inexplicable. What could be stranger than saying that lying is wrong "in itself," apart from the harm that lying causes? And how could people have a "right to privacy" unless respecting that right brought about some benefit? On this way of thinking, Utilitarianism is not incompatible with common sense; on the contrary, Utilitarianism justifies the commonsense values we have.

The Second Response: Our Gut Reactions Can't Be Trusted When Cases Are Exceptional. Although some cases of injustice serve the common good, those cases are exceptions. Lying, promise breaking, and violations of privacy usually lead to unhappiness, not happiness. This observation forms the basis of another utilitarian response.

Consider again McCloskey's example of the person who is tempted to bear false witness. Why do we immediately and instinctively believe it to be wrong to bear false witness against an innocent person? The reason, some say, is that throughout our lives we have seen lies lead to misery and misfortune. Thus, we *instinctively condemn all lies*. But when we condemn lies that are beneficial, our intuitive faculties are misfiring. Experience has taught us to condemn lies because they reduce happiness. Now, however, we are condemning lies that increase happiness. When confronting unusual cases, such as McCloskey's, perhaps we should trust the Principle of Utility more than our gut instincts.

The Third Response: We Should Focus on *All* the Consequences. When we're asked to consider a "despicable" action that maximizes happiness, the action is often presented in a way that encourages us to focus on its bad effects, rather than on its good effects. If instead we focus on *all* the effects of the act, Utilitarianism will seem more plausible.

Consider yet again the McCloskey example. McCloskey says that it would be wrong to convict an innocent man because that would be unjust. But what about the *other* innocent people who will be hurt if the rioting and lynchings continue? What about the pain that will be endured by those who are beaten and tormented by the mob? What about the deaths that will occur if the man doesn't lie? Children will lose their parents, and parents will lose their children. Of course, we never want to face a situation like this. But if we must choose between securing the conviction of one innocent person and allowing the deaths of several innocent people, is it so unreasonable to think that the first option is preferable?

And consider again the objection that Utilitarianism is too demanding because it tells us to use our resources to feed starving children instead of using those resources on ourselves. If we focus our thoughts on those who would starve, do the demands of Utilitarianism seem so unreasonable? Isn't it self-serving of us to say that Utilitarianism is "too demanding," rather than saying that we should do more to help?

This strategy works better for some cases than for others. Consider the Peeping Tom. The unapologetic utilitarian will tell us to consider the pleasure *he* gets from spying on unsuspecting women. If he gets away with it, what harm has been done? Why should his action be condemned? Most people will condemn his behavior, despite the utilitarian arguments. Utilitarianism, as Smart suggests, cannot be fully reconciled with common sense. Whether the theory needs such a reconciliation remains an open question.

8.6. Concluding Thoughts

If we consult what Smart calls our "common moral consciousness," many considerations other than utility seem morally important. But Smart is right to warn us that "common sense" cannot be trusted. That may turn out to be Utilitarianism's greatest insight. The deficiencies of moral common sense become obvious if we think about it. Many white people once felt that there was an important difference between whites and blacks, so that the interests of whites were somehow more important. Trusting the "common sense" of their day, they might have insisted that an adequate moral theory should

accommodate this "fact." Today, no one worth listening to says such things, but who knows how many other irrational prejudices are still part of our moral common sense? At the end of his classic study of race relations, *An American Dilemma*, Nobel laureate Gunnar Myrdal (1898–1987) reminds us:

There must be still other countless errors of the same sort that no living man can yet detect, because of the fog within which our type of Western culture envelops us. Cultural influences have set up the assumptions about the mind, the body, and the universe with which we begin; pose the questions we ask; influence the facts we seek; determine the interpretation we give these facts; and direct our reaction to these interpretations and conclusions.

Could it be, for example, that future generations will look back in disgust at the way affluent people in the 21st century enjoyed their comfortable lives while third-world children died of easily preventable diseases? If so, they might note that utilitarian philosophers were ahead of their time in condemning it.

Notes on Sources

"The utilitarian doctrine is that happiness is desirable . . .": John Stuart Mill, *Utilitarianism* (1861; available in various reprintings), chapter 4, para. 2.

G. E. Moore discusses what has intrinsic value in the last chapter of *Principia Ethica* (Cambridge: Cambridge University Press, 1903).

McCloskey's example of the utilitarian tempted to bear false witness: "A Non-Utilitarian Approach to Punishment," *Inquiry* 8 (1965), pp. 239–255.

"As strictly impartial as a disinterested and benevolent spectator": John Stuart Mill, *Utilitarianism* (1861), chapter 2, para. 18.

John Cottingham, "Partialism, Favouritism and Morality," *Philosophical Quarterly* 36 (1986), p. 357.

Smart is quoted from J. J. C. Smart and Bernard Williams, *Utilitarianism: For and Against* (Cambridge: Cambridge University Press, 1973), p. 68. He discusses "rule worship" on p. 10.

Frances Howard-Snyder, "Rule Consequentialism Is a Rubber Duck," *American Philosophical Quarterly* 30 (1993), pp. 271–278.

Gunnar Myrdal, *An American Dilemma: The Negro Problem and American Democracy* (1944; available in various reprintings).